

III. REMARKS

Claims 1-13, 20-27 and 29 are pending in this application. By this amendment, claims 1 and 2 have been amended and claims 14-19 and 28 have been canceled. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. 1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

In the Office Action, claims 1-3, 5, 14, 15, 26 and 28 are rejected under 35 U.S.C. §102(b) as being anticipated by Roe *et al.* (U.S. Patent No. 5,989,236), hereafter "Roe." Claims 6, 7, 18, and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Roe. Claims 8-13, 20-25, 27 and 29 have been indicated as being allowable and claims 2 and 17 have been indicated as containing allowable subject matter. Applicants gratefully appreciate the indication of allowability/allowable subject matter.

Initially, Applicants thank the Examiner for the telephone interview of April 21, 2005 with their representative. In the interview, the Examiner agreed with Applicants' representative that the amendment could be entered if the section of claim 1 beginning "...a front guard..." was

preceded by the section of claim 1 beginning "...a rear portion..." and the term "the front portion" in claim 1, line 8 was replaced with the term "the front guard."

The Office has objected to claims 2 and 17 as being dependent upon a rejected base claim, but states that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant has amended independent claims 1 to include the limitation "...a front guard extending above the rear portion vertically from a waist area of the front portion to a middle chest area of a user;" of claim 2. Furthermore, in accordance with the recommendation of the Examiner, Applicants have amended claim 1 to recite "...a bumper extending to transversely opposite side edges along a longitudinally outer edge of at least one of the front guard and the rear portion." Applicants have also amended claims 1 and 3 to correct minor informalities. Accordingly, Applicant asserts that the subject matter of amended claim 1 and all dependent claims is allowable. Accordingly, Applicant respectfully requests withdrawal of the rejections and allowance of the claims.


IV. CONCLUSION

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

Date: 4/11/05
Hoffman, Warnick & D'Alessandro LLC
Three E-Comm Square
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

RAD/hew



Ronald A. D'Alessandro
Reg. No.: 42,456